

Philip M. Black (SBN 308619)  
Matthew Insley-Pruitt (*Pro Hac Vice* application forthcoming)  
Justyn Millamena (*Pro Hac Vice* application forthcoming)

**WOLF POPPER LLP**

845 Third Avenue  
New York, NY 10022  
Telephone: (212) 759-4600  
Email: pblack@wolfdpopper.com  
minsley-pruitt@wolfdpopper.com  
jmillamena@wolfdpopper.com

*Attorneys for Plaintiff Movant Noah Hermann  
and the Putative Class  
(additional counsel on signature page)*

**UNITED STATES DISTRICT COURT**

**NORTHERN DISTRICT OF CALIFORNIA**

**SAN FRANCISCO DIVISION**

NOAH HERMANN, individually and on behalf  
of all others similarly situated,

Plaintiff,

v.

BRIAN VELUZ-NEPOMUCENO,  
PERCIVAL ONG, MIDNIGHT HUB, AND  
ROOMS.TV,

Defendants.

No.: 3:24-cv-7704-JD

**CLASS ACTION**

**DECLARATION OF PHILIP M. BLACK  
IN SUPPORT OF PLAINTIFF'S  
MOTION TO ENLARGE TIME FOR  
PLAINTIFF TO SERVE SUMMONS  
AND COMPLAINT**

Dept.: Courtroom 11, 19th Floor (San  
Francisco)

Judge: Hon. James Donato

1 I, Philip M. Black, declare, pursuant to 28 U.S.C. § 1746, as follows:

2 1. I am an attorney duly licensed to practice in the State of California and before this  
3 Court. I am a partner of Wolf Popper LLP, attorneys for Plaintiff Noah Hermann (“Plaintiff”). I  
4 make this declaration in support of Plaintiff’s Motion to Enlarge Time to Serve Summons and  
5 Complaint on Defendants, filed concurrently herewith.

6 2. Except for citations to the record, I make this declaration upon my information and  
7 belief, based on information I have received through attorneys in my office, who in turn received  
8 the information from the process server.

9 3. Plaintiff filed this action on November 5, 2024 against four Defendants. ECF No. 1.  
10 The Court issued a summons as to all Defendants on November 7, 2024. ECF No. 5. That summons  
11 listed all four Defendants at the same address, 1031 Cherry Avenue, Unit 44 San Bruno, CA 94066.  
12 *See Id.*

13 4. On November 19, 2024, at 8:44 PM EST, service was made of the summonses upon  
14 the father-in-law of Defendant Brian Veluz-Nepomuceno. Attached hereto as Exhibit 1 is a true  
15 and correct copy of the Proof of Service dated December 5, 2024.

16 5. On December 23, 2024, the Court issued corrected summonses for all Defendants  
17 with updated addresses for Defendants Ong and Midnight Hub (1130 Starbird Cir. #15, San Bruno,  
18 CA 95117). ECF No. 14.

19 6. Subsequent attempts to serve Defendants Midnight Hub and Percival Ong have been  
20 impeded by significant obstacles. The addresses associated with these Defendants are located  
21 within gated communities, presenting physical barriers to lawful access. At 1130 Starbird Circle  
22 #15, San Jose, CA 95117, the process server was compelled to employ the method of “tailgating”  
23 to gain entry to the premises. Upon reaching the specified unit, the occupant refused to open the  
24 door, denied any knowledge of Midnight Hub, and disclaimed association with the Defendants.

25 7. Further efforts to confirm service at 1031 Cherry Avenue Unit 44, San Bruno, CA  
26 94066 were similarly obstructed. The process server was unable to gain entry to this gated  
27 community, despite this location being the site of the aforementioned service upon Brian Veluz-  
28 Nepomuceno’s father-in-law.

8. In response to these challenges, Plaintiff is actively pursuing alternative service methods. These include potential service through the Secretary of State and attempts to ascertain any changes of address. However, these efforts are complicated by information indicating that the corporate Defendants were dissolved in October 2024. *See* ECF No. 1 ¶ 98.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

Executed this 3rd day of February, 2025, at Brooklyn, New York.

/s/ Philip M. Black  
Philip M. Black